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AKERMAN SENTERFITT
P. O. BOX 3188
WEST PALM BEACH, FL 33402-3188

EXAMINER
MUHEBBULLAH, SAJEDA

ART UNIT	PAPER NUMBER
2174	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>01 July 2008</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1,2,4-8 and 10-16</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1,2,4-8 and 10-16</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This communication is responsive to RCE/Amendment filed 07/01/2008.

2.   Claims 1-2, 4-8 and 10-16 are pending in this application. Claims 1, 7 and 14 were

amended.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter which the applicant regards as his invention.

4.   Claims 1-2, 4-8, and 10-16 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

5.   Claims 1, 7, and 14 recite the limitation "user-modified" in lines 7, 6, and 6 respectively.

There is insufficient antecedent basis for this limitation in the claim.

        Applicant must make the necessary corrections.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

7.   Claims 1-2, 4, 6-8, 10, 12-14 and 16 are rejected under 35 U.S.C. 103(a) as being

unpatentable over O'Leary et al. ("O'Leary", US 5,867,162) in view of MacPhail (US

6,593,943) and further in view of Siefert et al. ("Siefert", US 5,726,688).

As per claim 1, O'Leary teaches a method of arranging user-named variables and system-named variables in a presentation list (O'Leary, Fig.3; col.2, lines 28-31), comprising the steps of:

receiving a system request to display variables in the presentation list (Fig.3, *list 300*; col.3, lines 28-29, *clicking File option displays presentation list)*, the variables including a group of user-named variables (Fig.3, *items in region 308*) and a group of system-named variables (Fig.3, *items in region 304);*

sorting the group of user-modified variables and the group of system-named variables according to a first attribute, wherein said first attribute indicates a priority of a group of variables, and wherein the group of user-named variables (O'Leary, Fig.3, *items in region 308*) has a greater priority than the group of system-named variables (O'Leary, *Fig.3, items in region 304)* (col.3, lines 32-33 and lines 42-44; *section 304 variables inherently contain some indication differentiating them from section 308 variables and listing them separately;* col.4, lines 41-56); and

simultaneously presenting the user-named variables and the system-named variables (O'Leary, Fig.3, *list 300*), wherein presentment of the user-named variables and the system-named variables comprises presenting the group of user-named variables in a first region of the list (O'Leary, Fig.3, *region 308*) and the group of system-named variables in a second region of the list (O'Leary, Fig.3, *region 304*).

However, O'Leary does not explicitly teach sorting the variables within each group by a second attribute in distinct regions and presenting the user-named variables in a first format and the system-named variables in a second format distinct from the first format, wherein the first

region is above the second region.   MacPhail teaches a method of arranging groups on a display

wherein each group consist of a priority sequence attribute to sort the groups according to

priority with one region above the other and also variables within the group may be sorted by a

priority attribute (MacPhail, col.7, lines 33-39; col.12, lines 50-58, 65-67; col.16, lines 23-28).

It would have been obvious to one of ordinary skill in the art at the time of the invention to

include MacPhail's teaching with O'Leary's method in order to quickly access those variables

which are deemed most important.

Furthermore, the method of O'Leary and MacPhail does not teach the regions to be

distinct and presenting the user-named variables in a first format and the system-named variables

in a second format distinct from the first format. Siefert teaches a method of arranging variables

names in a presentation list wherein there exist two distinct regions, the first region names

displayed in a format different from the second region names (Siefert; Fig.5, col.3, lines 57-64).

It would have been obvious to one of ordinary skill in the art at the time of the invention to

include Siefert's teaching with the method of O'Leary and MacPhail in order to visually

distinguish between the variables.

As per claim 2, O'Leary teaches the method, wherein the method further comprises the

step of displaying the variables when a user selects the variables using a drop-down control

(O'Leary, Fig.3, *clicking File drop-down control displays variables*).

As per claim 4, Siefert teaches the method, wherein the step of distinguishing is

accomplished using at least one among labeling and text formatting (Siefert, Fig.5, col.3, lines

57-64).

As per claim 6, O'Leary teaches the method, wherein the second attribute is a chronological order (O'Leary, col.1, lines 38-43; col.3, lines 42-45; MacPhail, col.5, lines 29-30).

Claims 7 and 14 are similar in scope to claim 1, and are therefore rejected under similar rationale.

Claim 8 is similar in scope to claim 2, and is therefore rejected under similar rationale.

Claim 10 is similar in scope to claim 4, and is therefore rejected under similar rationale.

Claims 12 and 16 are similar in scope to claim 6, and are therefore rejected under similar rationale.

As per claim 13, O'Leary teaches the system, wherein the presentation list is at least one among a drop-down list and a list box (O'Leary, Fig.3, *drop-down list 300*).

8.   Claims 5, 11 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Leary et al. ("O'Leary", US 5,867,162), MacPhail (US 6,593,943) and Siefert et al. ("Siefert", US 5,726,688) and further in view of Blum et al. ("Blum", US 6,901,559).

As per claim 5, the method of O'Leary, MacPhail and Siefert teaches the method wherein the second attribute is a chronological order (O'Leary, col.1, lines 38-43; col.3, lines 42-45; MacPhail, col.5, lines 29-30). However, the method of O'Leary, MacPhail and Siefert does not teach the attribute to be alphabetical order. Blum teaches a method of arranging variables in a list wherein the list is arranged in alphabetical order (Blum, col.6, lines 1-10). It would have been obvious to one of ordinary skill in the art at the time of the invention to include Blum's teaching

with the method of O'Leary, MacPhail and Siefert in order to organize the list for quickly

locating items in the list.

Claims 11 and 15 are similar in scope to claim 5, and are therefore rejected under similar

rationale.

Response to Arguments

9.   Applicant's arguments filed 07/01/2008 have been fully considered but they are not

persuasive.

Applicant argued that O'Leary's list of file might contain files that the user modified, but

might also include files that the user has viewed without modifications, and those files might be

user-created or system-created.

The Examiner disagrees because O'Leary teaches an instance where the files are user-

named (Fig.3). In addition, these files are initiated by a user who determines whether to rename

the file or keep the default file name but in the end are user-created files.

Conclusion

10.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

- Brewer et al. (US 5,963,207) teaches a method of sorting variables in a list by used or

    unused groups.

Communications

11.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Sajeda Muhebbullah whose telephone number is **(571) 272-4065**.

The examiner can normally be reached on Tuesday/Thursday and alt. Mondays from 8:30 am to

5:00 pm (EST).

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Stephen Hong, can be reached on (571) 272-4124.

        The central fax number for the organization where correspondence for this application or

proceeding is assigned is (571) 273-8300.

        Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sajeda Muhebbullah

Patent Examiner
Art Unit 2174
/S. M./
/Stephen S. Hong/
Supervisory Patent Examiner, Art Unit 2178